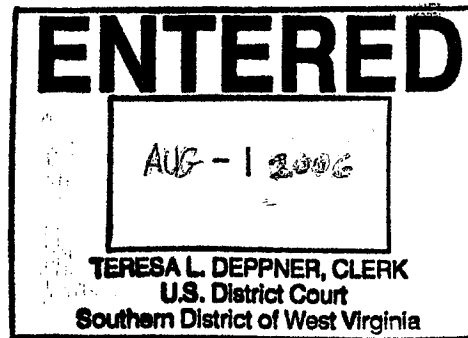


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA



IN RE: VISITING ATTORNEY FEE
LR Civ P 83.6(c)(1) AND LR Cr P 44.6(c)(1)
-and-
PLAN FOR THE ADMINISTRATION AND OPERATION OF THE
DISTRICT COURT VISITING ATTORNEY FEE/NON-APPROPRIATED
FUNDS

GENERAL ORDER

The Visiting Attorney Fee for the Southern District of West Virginia is established pursuant to LR Civ P 83.6(c)(1) and LR Cr P 44.6(c)(1), in an amount to be set by order. In accordance therewith, the Visiting Attorney Fee is set in the amount of \$50.00.

The fees will be placed in a fund administered by the clerk as custodian of the fund and disbursements will be made only at the direction of a committee, the members of which will be appointed by the Chief Judge, in accordance with a written plan.

The Court hereby adopts the following Plan for Administration and Operation of the District Court Visiting Attorney Fee /Non-Appropriated Funds hereinafter referred to as the "District Court Fund."

A. COLLECTION OF MONIES FOR THE DISTRICT COURT FUND. The District Court Fund shall be comprised of the Visiting Attorney Fees, sometime referred to as the admission *pro hac vice* fees, in excess of the basic fee set by the Judicial Conference pursuant to 28 U.S.C. Section 1914. Furthermore, the Clerk shall deposit all fees collected for visiting attorney admission or admission *pro hac vice* into the District Court Fund.

B. USE OF THE DISTRICT COURT FUND. The District Court Fund may be utilized for prepayment and/or reimbursement to pro bono counsel for out-of-pocket expenses and payment of witness fees or other expenses on behalf of indigent *pro se* litigants which are incurred incident to the preparation or presentation of a civil action in this Court. The fund may also be used for such other purposes which inure to the benefit of the members of the bench and the bar in the administration of justice for which appropriated funds are not available. Such other uses may include but are not limited to the following:

1. Attorney admission proceedings (including expenses of admission committees, and admission ceremonies).
2. Naturalization proceedings;
3. Attorney discipline proceedings (including expenses of investigating counsel for disciplinary enforcement, travel expenses and witness fees in disciplinary proceedings).
4. Periodicals and publications for court libraries for which appropriated funds are not available.
5. Furnishing, and equipping the lawyer lounge facilities.
6. Bench and bar committee meetings and conferences.
7. Courtroom equipment and materials that benefit the bar including telephone lines for modem/DSL connections for counsel.
8. Annual Law Clerk Orientation Programs.
9. Student Programs.
10. Sureties bond for the custodian for the fund. (Bond may only cover monies in the fund).
11. Fees for services rendered by outside auditors in auditing the fund.
12. Reimbursement of jurors for losses of personal property during their jury service, when compensation is not available under a statute such as the Federal Tort Claims Act.
13. Costs associated with the duplication of Pro Bono cases.
14. Continuing legal education or training for law clerks.
15. Out of pocket expenses for Mediators and Early Neutral Evaluators.
16. Costs associated with implementing and maintaining an Historical Program for the Southern District of West Virginia.

C. APPOINTMENT OF A BENCH AND BAR VISITING ATTORNEY FEE/NON-APPROPRIATED FUNDS COMMITTEE. The Court hereby authorizes the creation of an

advisory committee which may include judges and/or other judicial officers and members of the bar to advise the Court and its custodian on matters of policy in the administration of the fund. The Committee shall also include the Clerk of Court, the Chief Probation Officer and the Court Librarian. Members of any such committee shall serve at the pleasure of the Chief Judge or the District Judge appointed by the Chief Judge to serve as chair of the advisory committee. All members of the advisory committee shall serve without compensation.

D. MAINTENANCE OF THE FUND. The Clerk of the United States District Court for the Southern District of West Virginia shall be the trustee of the District Court Fund. The trustee shall:

1. Receive, safeguard, deposit, disburse and account for all funds; the countersignature of the Chief Probation Officer is required by the Court for the expenditure of funds.
2. Establish an accounting system as required by the Court. The day-to-day responsibility of financial record-keeping may be delegated to the administrative services staff, who shall assist in establishing an accounting system as required by the *Guide to Judiciary Policies and Procedures, Volume 1, Chapter 7, Part O*.
3. Insure that financial statements and operating reports are prepared timely and signed by the trustee, thereby certifying that the statements and reports accurately represent the financial condition of the Fund.
4. Establish a procedure for the filing and processing of requests for prepayment and/or reimbursement, including documentation requirements therefor, and the orderly and expeditious referral of such requests to the presiding judicial officer for approval, and then to the Chief Judge for review and approval.
5. Perform such other functions as the Court may direct.

All monies shall be deposited in federally insured banks or savings institutions and whenever practical and feasible, all substantial sums should be placed in interest-bearing

accounts, government securities, or money market funds invested in government obligations, at the direction of the Court. Efforts should be made to maximize the return on investments consistent with the requirements of convenience and safety.

Funds held by the trustee must be deposited in a segregated, non-appropriated, custodial Visiting Attorney Fee account by the Clerk of the United States District Court.

When a successor trustee is appointed, the outgoing trustee should prepare and sign the following statements in conjunction with an exit audit or inspection conducted by an auditor or disinterested inspector as designated by the Court:

1. A statement of assets and liabilities.
2. A statement of operations or of receipts and disbursements since the end of the period covering the period since the last statement of operations and net worth, up to the date of transfer to the successor custodian.
3. A statement of the balance in any fund accounts as of the date of transfer to the successor custodian.

The successor trustee shall execute a receipt for all funds after being satisfied as to the accuracy of the statements and records provided by the outgoing trustee. Acceptance may be conditioned upon audit and verification when the circumstances warrant.

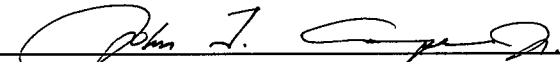
E. AUDITING THE FUND. The District Court Visiting Attorney Fee/Non-Appropriated Fees Fund is subject to audit by the Administrative Office of the United States Courts. The court may appoint an outside auditor or disinterested person (who may be a government employee) to conduct such additional audits as the court determines may be necessary or appropriate. The custodian shall provide the written results of such audits to the court and may be made available upon request to members of the bar. Reasonable compensation may be provided from fund assets if the auditor is not a government employee acting in an official capacity.

F. **DISSOLUTION OF THE FUND.** The Court may dissolve the District Court Fund or any portion thereof at its discretion, after ensuring that all outstanding obligations are liquidated prior to the dissolution of the fund, including any expenses resulting from the required final audit.

ENTER:



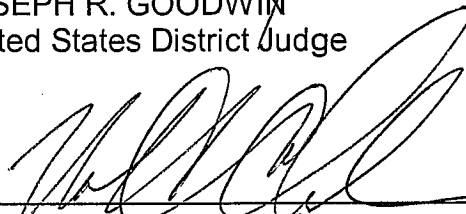
DAVID A. FABER
Chief United States District Judge



JOHN T. COPENHAVER, JR.
United States District Judge



JOSEPH R. GOODWIN
United States District Judge



ROBERT C. CHAMBERS
United States District Judge



THOMAS E. JOHNSTON
United States District Judge